



April 27, 2021

Mr. Clay Davis, District Planner
Feather River Ranger District, Plumas National Forest
875 Mitchell Avenue
Oroville, CA 95965

sent by electronic mail to: clay.davis@usda.gov

Re: Sierra Forest Legacy comments on proposed post-North Complex Fire projects to be authorized via Categorical Exclusion (CE): Berry Brush WUI Hazardous Fuels Reduction Project PALS #59232); Feather Falls Post-Fire Project (PALS #59385, revised 3/15/21)

Dear Clay:

Sierra Forest Legacy provides the following comments and recommendations related to projects proposed by the Plumas National Forest, Feather River Ranger District (PNF, FRRD) following the 2020 North Complex Fire, and for which the FRRD seeks authorization via Categorical Exclusions (CEs) from the National Environmental Protection Act (NEPA). While we provide comments specific to each project, in general we offer the following recommendations about using correct process and generating best outcomes for these and future projects that include use of CEs:

1. Provide clear description of which activity or suite of activities will be authorized under which CE category, including explanation of why an activity or suite of activities are deemed eligible under a specified CE category. This information will help the public better understand intended Forest Service actions.
2. Articulate goals and timelines for desired post-project fuelscape conditions and how these goals and timelines are to be achieved. This information will insure hazardous fuels reduction actions are both appropriate and achievable.
3. Articulate goals for desired long-term reforestation outcomes, and how these outcomes are to be achieved. This information will assure the public that actions we take today can grow into desired future forest conditions, rather than perpetuate the fire risk problems we face today.

A clear project description is an essential starting point for collaboration, and can help foster trust among stakeholders. Our project-specific comments are below.

Berry Brush WUI Hazardous Fuels Reduction Project

The Berry Brush Project Initiation Notice (PIN) lists several potential treatments, including; Salvage Cut, Hand-Cut, Mastication, Herbicide, Yarding, Piling, Pile burning, Plant Trees, Establish Research Plots, Precommercial Thin, and others. It is not clear to us where the various treatment types will occur across the proposed project area, or within individual treatment units. We would like the FRRD to provide more

detailed information about which treatments will occur where, and we would be glad to discuss this information with you and other stakeholders.

Insuring proper use of NEPA and public participation

While we recognize the extent of tree mortality that has occurred across the project area due to recent high severity fire, that there is time-bound commercial value available in some of this material, and receipts from salvage wood can help finance additional forest resilience work in and around the Berry Brush project area, we have questions regarding how "hazardous fuels" and "post-fire salvage" are being differentiated, if at all, on the Berry Brush project, and whether the appropriate degree of assessment and consideration is being applied to the design of fire-killed tree removal and subsequent new tree planting.

The Berry Brush PIN and associated map does not make it clear if merchantable snags (e.g., ≥ 10 -12" dbh) that do not represent a direct fall hazard to roads, trails, or infrastructure will be considered salvage material and removed for commercial value, and/or deemed "hazardous" for reasons other than a direct fall hazard and removed for commercial value. The PIN references a study (Coppoletta et al. (2016)) in a manner that appears to allow FRRD to define *any* fire-killed snag, including larger, merchantable snags that do not pose a direct fall hazard onto life and property, as representing hazardous fuels material and therefore a target for removal on that basis. If our understanding of the rationale for fire-killed snag removal, presented ambiguously in the PIN and maps, is correct then there is room for debate whether or not removing snags that are beyond striking distance to assets, and then selling them is an action eligible for Categorical Exclusion authorization beyond an area of 250 acres.

The PIN states the project is initially thought to fall within the Categorical Exclusion (CE) authorized and described in HFRA Section 605 (CE 605), and that CE 605 "authorizes hazardous fuels reduction projects that reduce the risk or extent of, or increase the resilience to, wildfires" (Berry Brush PIN, p.2).

Established separately from CE 605 is a Categorical Exclusion described in 36 CFR 220.6(e)(13) (or CE 13): salvage of dead and/or dying trees. CE 13 was established specifically to address the removal of fire-damaged trees and specifically limits this type of salvage harvest activity to no more than 250 acres. CE 13 is available when authorizing removal of recent fire-killed merchantable snags.

If regulators believed post-fire salvage of *all* snags was already contemplated under CE 605, why would available CE's include the specific CE 13 to address post-fire salvage? Establishing a separate CE (CE-13) specifically for salvage, and limiting it to no more than 250 acres would add redundancy and confusion to CE 605's authority, and add confusion rather than clarity to why, when, and where CEs apply to forest projects.

As noted above, the Berry Brush PIN (as well as several of FRRD's post-North Complex Fire project announcements) references Coppoletta et al. (2016) to describe how current post-North Complex Fire snags represent a positive feedback trajectory of hazardous fuels likely to result in high severity fire during subsequent reburns. This could lead to consideration of large snags beyond striking distance as hazardous, and promote their removal. The same study points out that large snags are wildlife benefits. Post-fire management needs to balance removal of what poses reburn hazard, with retention of what provides benefits to wildlife.

As work proceeds further from roads, trails, and infrastructure, decisions regarding retention or removal of fire-killed trees that pose no fall-threat onto roads, trails, or infrastructure face increased scrutiny regarding their potential as future wildfire fuels hazards versus their potential for providing wildlife habitat benefits, and how these considerations align with SNFPA standards and guidelines. Additional considerations are needed when designing how to implement and maintain replanting of treated units.

Can the appropriate amount of planning detail and information sharing be accomplished expeditiously enough to take advantage of commercial value of fire-killed trees? At this stage in project development, it remains unclear to us what the approach will be to remove versus retain fire-killed trees that occur beyond striking distance of roads, trails, and infrastructure, and to post-fire replanting strategy and design (see our reforestation comments below). How is the FRRD designing approaches to tree removal and planting that are best for long-term outcomes related to forest resilience to fires, insect and disease, to WUI community safety, and to wildlife habitat within the proposed project area, and how are the public to know and engage in these decisions? These issues could get short shrift via a CE authorization to the detriment of project outcomes. We have reviewed projects elsewhere in the Sierra Nevada that accomplish comparable efforts via an EA, and we appreciate the clarity provided with that process.

We agree that work to reduce hazards within the Berry Brush WUI project is needed, and in doing so we want to make sure NEPA is appropriately applied.

Updated project map

We have reviewed the updated project map (North Complex: Berry Brush WUI Hazardous Fuels Reduction Project map dated February 24, 2021) where project acreage (2,439 acres) are classified into five priority areas. We would like more information on what criteria have been used to prioritize treatment areas as illustrated on the updated project map, i.e., what distinguishes Priority 1 areas from Priority 2-5 areas, etc.?

Forest System roads

Are all roads along which roadside hazard salvage is proposed for Berry Brush currently authorized within the Forest Service System roads? During our review of proposed units within CSO PACs and HRCAs, we note proposed hazard fuel reduction along a 4WD route (labeled Kendall and Kendall Spur B on ESRI's online World Topo Map) that runs through the CSO PAC in Berry Brush Unit #14. The GIS layer we have of USFS System roads in the Northern Sierra Nevada includes only a small, approximately 300ft segment of this route as being part of the FS System. Our information, which we obtained as part of a Forest Service generated fire modeling exercise, could be incomplete or outdated. Is the 4WD route through the PAC in Unit #14 an authorized Forest System road? Could the Plumas NF provide us with an updated FS System roads GIS layer for the Plumas NF?

Related to roadside salvage and hazard abatement, we recommend the FRRD include roadside project Design Criteria that will prevent roadside treatment areas becoming off-road excursions entry points.

Plumas NF WUI boundaries

We would like to thank the FRRD for providing an updated WUI land designation layer for the Plumas NF as part of our Berry Brush project data request. We understand the Plumas NF has now incorporated

WUI boundaries generated by local counties, which expands the WUI lands designated during previous planning efforts (e.g., the 2004 SNFPA). We would like to better understand the process by which the Plumas NF updates their forest's WUI lands designations so that we can better track how and when this is done. Can the FRRD provide information about this process, or direct us to where we can find more information?

Restoration and Research

We appreciated the presentation by Kyle Merriam on the recent report, Postfire Framework for National Forests in California (Framework, or GTR-270, 2021)¹. Regarding reforestation planting proposed for Berry Brush, Feather Falls, Rogers Cow Camp, and other post-North Complex Fire projects, we urge the FRRD to follow the guiding principles described in the Framework and emphasized in Dr. Merriam's presentation. Incorporated especially into the Framework's first guiding principle, Restore Ecological Processes, are the concepts summarized in North et al. (2019).²

North et al. (2019) is a literature review which addresses multiple components of a landscape scale reforestation strategy. This strategy prioritizes reforestation areas and actions, and focuses on cluster planting to develop an "individuals, clumps, openings" (ICO) forest structure. There is consensus that an ICO pattern is the desirable future structure for reforestation efforts, and this objective should be promoted in Berry Brush and other post-North Complex Fire projects through a combination of natural regeneration, planting, and future treatments that are planned to further reinforce an ICO pattern. These concepts are further expanded in an upcoming publication, *Pyrosilviculture Needed for Landscape Resilience of Dry Western U.S. Forests* (North et al., 2021 Journal of Forestry, in press).³

We encourage the FRRD to incorporate concepts, guidance, and findings from these papers and reports when developing reforestation strategies for Berry Brush, Feather Falls, Rogers Cow Camp, and other post-fire project areas.

We also encourage the FRRD to use available North Complex RAVG data to demonstrate the degree of value of reforestation decision-support tools like POSCRPT, PreSET, the Climate-wise Reforestation Toolkit, and/or the Reforestation Hub.⁴ It would be helpful to know if one or more of these tools, developed through consultation with forest service, provide useful decision support to reforestation

¹ Meyer, M.D.; Long, J.W.; Safford, H.D., eds. 2021. Postfire restoration framework for national forests in California. Gen. Tech. Rep. PSW-GTR-270. Albany, CA: U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station. 204 p.

² North et al. 2019. Tamm Review: Reforestation for resilience in dry western U.S. forests. Forest Ecology and Management 432 (2019) 209–224.

³ North, M.P., R.A. York, B.M. Collins, M.D. Hurteau, G.M. Jones, E.E. Knapp, L. Kobziar, H. McCann, M.D. Meyer, S.L. Stephens, R.E. Tompkins, C.L. Tubbesing (In press) Pyrosilviculture needed for landscape resilience of dry western US forests. *Journal of Forestry*.

⁴ Information about these tools are available from the following online resources (accessed on March 4, 2021): POSCRPT: <https://stewartecology.shinyapps.io/POSCRPT/>
PreSET: <https://reforestation.shinyapps.io/preset/>
Climate-wise Reforestation Toolkit: https://climate-wise.shinyapps.io/reforest_toolkit/
Reforestation Hub: <https://www.reforestationhub.org/>

planning and implementation appropriate to the post-North Complex Fire landscape, including Feather Falls, Berry Brush, Rogers Cow Camp, and other project areas.

Our organization would be very interested in continuing collaboration with the forest service to take advantage of the opportunity for post-fire forest management that incorporates the concepts of ICO forest structure and pyrosilvicultural strategies that a fire of this scale and intensity provides.

In order for ongoing discussions regarding Berry Brush project development to occur through a truly collaborative effort, stakeholders need to be given a clearer description of the project we are meant to consider than the current PIN and project maps provide. Especially useful will be more detailed description of what plans there are for the patterns of salvage and hazard removal in treatment units, and for the retention of snags and other large structures that will result in a project designed to maximize the retention of old-growth and large trees, and that will maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity of treatment areas.

Feather Falls Post-Fire Project

Our comments on the proposed Feather Falls Post-Fire Project mirror those for Berry Brush regarding the need for FRRD to provide clearer description of which proposed activities will be authorized under which CEs, and regarding our support for progressive reforestation practices that move away from "pines in lines" and toward ICO-focused replanting. We also have questions regarding the desired outcomes of Feather Falls post-treatment fuels conditions, and the goals and timelines associated with these outcomes.

Feather Falls CE authorizations are unclear

Originally, Feather Falls was proposed as a primarily salvage cut and repair project for roads and facilities associated with the Feather Falls trailhead and campground, to be authorized through CE described in 36 CFR 220.6(e)(13) (or CE 13): salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than ½ mile of temporary road construction. In March, 2021 the original project was expanded to include hazard abatement of fire-killed trees along approximately 7.3 miles of highly recreated trails within the Bald Rock Inventoried Roadless Area (IRA). The revised Proposed Action (PA) included two additional CEs described in 36 CFR 220.6(d)(4) (or CE 4): repair and maintenance of roads, trails, and landline boundaries; and 36 CFR 220.6(e)(11) (or CE 11): post-fire rehabilitation activities, to the list of potential project authorization statutes. However, while the PA does describe salvage activities outside the IRA that more closely align with CE 13, the PA does not clearly identify which proposed activities are to be authorized under each of the newly proposed CEs (CE 4 and CE 11). While we are concerned with the ambiguous nature of the PA's CE references, we note especially that CE 11 and CE 13 require an administrative project file and Decision Memo, while CE 4 does not. This is relevant to us because if CE 4 becomes the practicable way for the Forest Service to authorize hazard and/or salvage removal, it significantly complicates the public's ability to engage in the planning and implementation processes associated with such activities.

Regardless of which CE the FRRD intends to use for actions proposed within the IRA, and whether or not that authorization is associated with a Decision Memo, the Forest Service must provide documentation of what considerations and rationale they have used to determine whether "extraordinary circumstances"

apply to actions proposed within an Inventoried Roadless Area (see FSH 1909.15, Chapter 30, at 31.2 - Extraordinary Circumstances, pp. 4-5.).

Further regarding proposed actions along the trail system within Bald Rock IRA, the Forest Service must also address and document project issues as they relate to the Roadless Area Conservation Rule (RACR). Specifically, we highlight section 294.13 of the RACR, below:

Section 294.13 from the RACR

§ 294.13 Prohibition on timber cutting, sale, or removal in inventoried roadless areas.

(a) Timber may not be cut, sold, or removed in inventoried roadless areas of the National Forest System, except as provided in paragraph (b) of this section.

(b) Notwithstanding the prohibition in paragraph (a) of this section, timber may be cut, sold, or removed in inventoried roadless areas if the Responsible Official determines that one of the following circumstances exists. The cutting, sale, or removal of timber in these areas is expected to be infrequent.

(1) The cutting, sale, or removal of generally small diameter timber is needed for one of the following purposes and will maintain or improve one or more of the roadless area characteristics as defined in § 294.11.

(i) To improve threatened, endangered, proposed, or sensitive species habitat; or

(ii) To maintain or restore the characteristics of ecosystem composition and structure, such as to reduce the risk of uncharacteristic wildfire effects, within the range of variability that would be expected to occur under natural disturbance regimes of the current climatic period;

(2) The cutting, sale, or removal of timber is incidental to the implementation of a management activity not otherwise prohibited by this subpart;

(3) The cutting, sale, or removal of timber is needed and appropriate for personal or administrative use, as provided for in 36 CFR part 223; or

(4) Roadless characteristics have been substantially altered in a portion of an inventoried roadless area due to the construction of a classified road and subsequent timber harvest. Both the road construction and subsequent timber harvest must have occurred after the area was designated an inventoried roadless area and prior to January 12, 2001. Timber may be cut, sold, or removed only in the substantially altered portion of the inventoried roadless area.

Documenting Feather Falls considerations related to CE extraordinary circumstances and the RACR, and to decisions related to Feather Falls actions within the IRA will help assure stakeholders we are designing best possible outcomes, both short and long term, for this special place.

Feather Falls restoration planting

Our comments and recommendations regarding incorporation of Framework guidance, ICO structure, and new post-fire restoration modeling tools that we provided above for Berry Brush are incorporated here for Feather Falls.

Feather Falls post-treatment fuels conditions

We agree there is a need to address hazardous trailside conditions that have resulted from the North Complex Fire along this highly recreated area. At the same time, we want to make sure the outcomes of any actions occurring with the Bald Rock IRA result in long-term desired fuel conditions. The PA briefly

describes removal of trailside hazard trees, yarding by helicopter and feller bunchers, and chipping to reduce both falling hazards to trail users, and future fuels hazard of burned snags. Will the proposed actions insure remnant fuels do not themselves create imminent fire hazard conditions? We strongly urge the FRRD to establish a 5 to 10 year post-treatment plan for fuel management both within and outside the IRA that addresses how post-treatment fuels reduction benefits are maintained longer-term.

Next Steps

We appreciated the project communication that was occurring between stakeholders and the FRRD on the French Creek II project prior to the North Complex Fire, and we would like to maintain that type of collaboration with Berry Brush, Feather Falls, and other projects. We appreciate the FRRD offering to lead a field trip for interested parties out to the Feather Falls project site in order to discuss questions, concerns, and recommendations that stakeholders may have about the proposed actions, and we look forward to joining the field trip scheduled for May 13, 2021. Lastly, please let us know what the process will be whereby FRRD will respond to these comments (and those of others) prior to a decision on these projects, and how SFL can continue to engage in the process.

Thank you for reading and considering our comments. We understand that the North Complex Fire has created a patchwork of undesirable forest conditions across much of the FRRD landscape, and that work needs to be done to make roads, trails, infrastructure, and the people who live and rely upon them safe from post-fire hazards. We also acknowledge that, where appropriate, there are opportunities to take advantage of salvage trees while they still maintain commercial value and that this revenue can help support additional forest resilience work within and around treatment areas. Our comments focus on insuring post-North Complex Fire work is collaborative, and employs the correct planning and regulatory tools to accomplish the work needed on the ground and achieve desired outcomes.

Respectfully,

A handwritten signature in black ink that reads "Greg Suba". The signature is written in a cursive, flowing style.

Greg Suba
Conservation Biologist
Sierra Forest Legacy